

**REGULAR MEETING MINUTES  
CITY COMMISSION**

November 11, 2004

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Quesinberry at 6:30 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

**PRESENT:** Mayor Jack Quesinberry, Commissioners Bill Thompson, Theo Graham, Mildred Dixon, and John Harriman

**Also Present:** City Manager Hollis Holden, Assistant City Attorney Lionel Rubio, City Clerk Kathy Golden, Assistant to the City Manager Marshall Robertson, Police Chief George Brennan, City Planner Mark Cechman, Utilities Director Fernand Tiblier, Trailer City Manager Hughlan Martin, Finance Director Mike Bollhoefer, Information Technology Director Bob Reilly, Building Official Jake Wright, and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of October 28, 2004. **Motion by Commissioner Graham to approve the minutes as corrected by the City Clerk. Seconded by Commissioner Harriman and carried unanimously 5-0.**

2. **RECOGNITIONS**

- American Legion Post 63 Commander presented Police Corporal Larry Bowcock with a certificate of appreciation for rescuing their flags during the hurricane. Commissioner Graham commended and thanked Corporal Bowcock for retrieving, drying, and folding their flags, and then contacting the American Legion.
- American Legion Post 63 Commander presented Pat Sharr with a flag that was previously flown in Washington, D.C. and a plaque of appreciation for her patriotism on July 4th by placing American flags on mailboxes in numerous subdivisions. Commissioner Graham stated that Mrs. Sharr oversees the placement of over 600 flags in five subdivisions and also commended her for her act of patriotism.

3. **FIRST READING OF PROPOSED ORDINANCES**

- A. **Ordinance 04-78:** CREATING A POLICY AND PROCEDURE TO FACILITATE THE REDUCTION OF DENSITY WITHIN TRAILER CITY MOBILE HOME PARK; PERMITTING THE CITY TO PURCHASE MOBILE HOMES OFFERED FOR SALE BY THEIR OWNERS AND TO THEREAFTER REMOVE THE SAME FROM THE PARK; PERMITTING THE CITY TO PROVIDE FUNDING TO ASSIST OWNERS WHO WISH TO RELOCATE THEIR MOBILE HOME TO ANOTHER MOBILE HOME PARK; PERMITTING THE CITY TO RELOCATE WITHIN TRAILER CITY MOBILE HOME PARK REMAINING MOBILE HOMES SO AS TO COMPLY WITH ZONING AND FIRE SAFETY REGULATIONS; PROVIDING FOR THE RELOCATION OF MOBILE HOMES WITH THE REVENUES GENERATED BY

THE OPERATION OF TRAILER CITY MOBILE HOME PARK; PROVIDING THAT OWNERS OF MOBILE HOMES LOCATED IN TRAILER CITY MOBILE HOME PARK INTENDING TO PLACE A MOBILE HOME ON THE MARKET FOR SALE MAY FILE A NOTICE OF INTENDED SALE WITH THE PARK MANAGER; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 04-78 by title only. Finance Director Bollhoefer first apologized for distributing the changes at such a late date this morning, however he met with Homeowner Association representatives on Monday evening and they expressed some of their concerns, which were taken into consideration and incorporated into the revised plan. The primary change made is that all purchases by the City from the owners are voluntary. Other changes are minor. The plan allows the City, over the next five years, to purchase mobiles from the owners and reduce the number of homes to 80. Once the density approaches 80, the remaining mobile homes will be redistributed throughout the park to meet the code requirement of eight mobile homes per acre with two parking spaces per mobile. This plan will improve the safety and quality of life for all park residents. It will become a better park for everyone. After five years on this plan, the Commission will then decide whether or not to continue the density reduction, continue operating, or to phase out the park. There is nothing in this plan that forces residents out, forces residents to sell their mobile homes, or creates imminent closure of the park. **Motion by Commissioner Thompson to approve Ordinance 04-78 and schedule the second reading and public hearing on December 9, 2004. Seconded by Commissioner Harriman.**

**Commissioner Graham** stated that he just received the proposed changes at approximately 11:00 a.m. today and the agenda package went out last Friday. Over the years, the agenda has been amended and the Commissioners received the information later during the week as opposed to the very day of the Commission meeting as in this case. There are quite a few changes and he went over the one he received last week and he could see that the City is not following State Statute Sections 723.083, 723.041, 723.058, and 723.059. Some items have been removed from the new version of the Ordinance. The cover memo states that the City is not going to close the park, but the motion that was made at the June Commission meeting specifically had closure in the motion. Commissioner Graham then read from the minutes the City Manager's comments at the closing of the City Commission meeting of March 25, 2004. He stated that "Trailer City has some serious issues with potential liability for the City regarding the trailer park being able to meet all fire and state safety requirements. In particular, not all trailers meet the requirements for tie-downs and many are spaced too close together. Staff and the community have indicated a desire to convert the trailer park into a public park for the good of all citizens. [Commissioner Graham stated he has yet to find whom the City Manager has talked to in the community because when it came before him, he had never heard of it before.] He asked for a consensus by the Commission to allow staff to move forward with evaluating and creating a proposal for closing, relocating residents, and converting the trailer park into a waterfront park. It was the consensus of the Commission to allow the City Manager to investigate and prepare a proposal for closing and converting Trailer City to a public park." In Tanner Hall on June 24, 2004, the comments were "Commissioner Thompson stated he also took an oath of office and he

respects Mr. Graham, but they do not always agree on matters. Commissioner Thompson stated he honestly believes that the Trailer Park is unsafe. Motion by Commissioner Thompson to direct staff to develop a plan for resident relocation and park closure that will result in a cessation of all mobile home park operations no later than October 1, 2012.” This action means that the City is to be out of the trailer park business by 2012. If we are not closing the park, then that should not have been part of the motion. Commissioner Graham then quoted from the minutes what the confusion was at that time. The City Manager stated “When we get into closing this park, it is going to be complicated, not easy. Commissioner Graham referred to Commissioner Thompson’s comment about anyone being able to go out and get a petition signed. Commissioner Graham stated he does not believe anyone can go out and get 3,800 signatures in this length of time unless people were really involved. Mayor Quesinberry stated that the petitions were also signed by non-residents. Commissioner Graham stated that he guarantees that the big majority of signatures are from addresses in the City, with some out of the City. Today is the only time he has received a note in favor of closing the park. All the contacts he has had are in favor of keeping Trailer City open. Commissioner Graham asked those in attendance in favor of closing the park to raise their hand. No one did. He challenged the Commission to put this issue on a ballot and let the people vote.”

[Continued reading from the minutes] “Commissioner Harriman stated for clarification that the motion is to form a task force to study what is needed to close the park and is not a firm date to close Trailer City. Mayor Quesinberry stated the proposed plan will come back before the Commission in the fall. Mayor Quesinberry called for the vote. Commissioner Dixon stated that the motion she heard versus what Commissioner Harriman just clarified were different. City Clerk Golden read the motion on the table “to direct staff to develop a plan for resident relocation and park closure that will result in a cessation of all mobile home park operations no later than October 1, 2012.” Commissioner Graham stated that the vote is for closure, it didn’t say it would stay open, we are to be out of the business by October 1, 2012, and that is exactly what is being voted on. Commissioner Dixon stated that she is not voting for closure, she will vote for a task force. Commissioner Graham stated the plan coming back to the Commission is for closure in eight years. Closure is in the motion. Mayor Quesinberry stated that a vote will come back to the Commission in the fall. Motion carried 3-2; in favor Thompson, Harriman and Quesinberry; opposed Graham and Dixon.” Commissioner Graham quoted from the City Manager’s Conclusions and Recommendations; “In conclusion, this Commission is faced with a difficult policy decision, and must answer the question “does the City want to be in the business of operating Trailer City 15, 20 or even 30 years” from now. After reviewing all the facts, staff has determined there is only one logical conclusion that can be drawn, and that is that Trailer City should be closed. Therefore, staff recommends that the City Commission direct staff to develop a plan for resident relocation and park closure that will result in a cessation of all mobile home park operations no later than October 1, 2012.

[Continued reading from the minutes] “The development of this plan will take considerable staff effort and will require four to six months to complete. Upon completion, the plan and the proposal change to the prospectus will be presented to the

Commission for approval. If approved by the Commission and the state, the action necessary to relocate the residents and close the park would begin.” Commissioner Graham asked everyone if they noticed just how many times he said close, closure, or closed [continued reading from the prior minutes]. “If the plan is rejected, relocation and park closure would not occur. The plan would be an eight-year phase out of all operations of the park. The eight-year time frame is necessary to minimize hardships placed on residents by the closure of the park. Eight-years will provide sufficient time to ensure all residents are able to find suitable housing. The following are preliminary elements of the plan that will be considered:

For those that own mobile homes that can be moved, the City will provide sufficient funds to move the homes, exceeding the amounts required by F.S. 723.06116. The City will make offers to purchase mobile homes that cannot be moved. In determining the value of these homes the City will consider fair value, NADA value, and the value of any attachments to the mobile home. For those that meet handicapped or elderly low-income criteria, the City will strive to find housing that meets their special needs. A task force will be formed to oversee the preparation of the plan. It will include the Commissioner from Trailer City’s district, at least one staff member, one or two city residents, and one or two Trailer City residents to ensure the needy seniors are properly represented. The task force will conduct field trips as needed to see such places as Sarasota to learn from their mistakes and seek other expert guidance. The task force would interview all the park residents to determine income levels, financial needs, and housing needs and use this information in devising the relocation plan. The plan will focus on relocating residents in the Winter Garden area to the maximum extent possible, especially for those elderly residents to ensure they remain close to their doctors and churches. For those residents who qualify as low-income under the Department of Community Affairs criteria, the City will assist them in obtaining rental assistance and any other available financial assistance. Another major objective of the plan will be to minimize any loss of quality of life caused by the relocation. Most significantly, the City will pursue alternatives to provide low-income elderly housing that addresses the need of seniors throughout Winter Garden. This housing will provide an immediate need for those residents of the park that meet the criteria, and it will provide long-term safe and affordable housing for the City as a whole. The City is currently looking at possible sites, funding sources, the possibility of public-private partnerships, and any other creative methods of providing affordable housing for low-income elderly citizens in Winter Garden. It should be our goal to bring on-line by 2012 at least 150 to 200 units of affordable conventional housing directed toward the needy seniors in Winter Garden. The completed plan will provide all the details including the projected cost.

[Continued reading from the minutes] “The Commission should be determined to provide the necessary resources to ensure that no one is “put out on the street.” Our citizens should be confident that the truly low-income elderly residents will be much better off after the relocation. The plan that will be brought back to the Commission will be both imaginative and creative.

Commissioner Graham stated that he read all this information in order to make one statement and that is by proposing this Ordinance, we are trying to avoid using the word

closing, which if we used the word close would cause the City to abide by stricter State laws. If the City closes the park, the City would have to find a place for each resident that can't move their trailer by the designated time it has to be moved and the City has to find a park for those trailers that can be moved. The costs also have to be considered for moving them or for rentals or whatever. He personally feels that this item should be tabled as the task force was not formed. He appreciates Mr. Bollhoefer meeting with the residents, which is honorable and he did it in good faith. We were way off base with what state law says about restricting the sales. There is a sign posted that indicates we are closing it and it keeps the residents from being able to sell their homes. No one will purchase a home where it states they will have to move in eight years or less. This devalues their homes, which has been taken out of the new prospectus and he appreciates that. He has other issues but he will not take the time at this time and he personally feels this item should be tabled because he went fishing, he didn't know he was going to receive any revised agenda items and he didn't get home until after probably 12:30 and he immediately started reviewing the material and did so until he left for this meeting tonight and still has not got through the whole thing. He personally feels more time should be put into this. The residents should be involved and some changes have been made as the result of a meeting and another meeting may help to get even more items corrected. According to prior motions, we are going to actually close Trailer City Mobile Home Park by 2012 (eight years).

**Commissioner Dixon** stated that she favors a task force because more heads are better than one. Task forces are formed for a variety of reasons and they allow the residents to have dialogue with them. She agrees with Commissioner Graham that the term "close" has been used and she knows the plan is to close the park so staff needs be honest about that fact. She has told the residents that the City owns the land and that is one of the reasons the residents are at a disadvantage. Cities are being told to get out of the trailer park business and she believes the City should not be in the trailer park business. There is liability for the City having trailers on the City owned land. There needs to be a task force. She also only just received the revised Ordinance this afternoon and she has not had an opportunity to digest all the contents. It was good that staff met with the residents and came up with a revised plan.

**City Manager Holden** stated that he wanted to reiterate what Mr. Bollhoefer has already emphasized: that this Ordinance forces no one out of their trailer and contains no eviction whatsoever. There are now seven less trailers than the original 160 trailers about six weeks ago because the owners asked the City to take those trailers so they could leave. There are people here who would like to make the Commission think that they speak as one voice for every member of the trailer park, which is not true. City staff has been approached by numerous owners requesting that the City purchase their trailer for various reasons, but if five years from the time the Ordinance is effective, not one resident of Trailer City chose to sell, they would be as they are today. This Ordinance does not force anyone out of the trailer park. This proposed action is an attempt by this City to allow those who want to leave to do so and allows the City to correct the fire and code violations, and remedy the overcrowding. When the City acquired management of the park in 1978, for a short period of time, they proceeded to enforce a reduction. There

has not been a single requirement added that was not there in 1975 for fire code concerns. In the process, we have helped some people move to other places by purchasing their trailer and removing them. This Ordinance also has provisions to relocate people to a better trailer if they are leaving a bad trailer. It addresses those needs and yes, in five years from now it puts a burden on the Commission and City Manager to address the continuation of the plan if it hasn't been achieved, or to vote for closure or to abandon any plans and leave the park just as it is. Much of this plan is modeled after Sarasota and what they learned. As to the task force, there is a task force meeting today to deal with the larger problem, which is affordable housing that started in the CRA Advisory Board who just yesterday adopted a plan to deal with the industrial area in District 3 to provide some incentives to convert it to meet the housing needs. The time for a task force to deal with forced eviction in Trailer City is not here. Mr. Holden also pointed out what was printed in the Trailer City Gazette after his proposal was made at Tanner Hall. The editor wrote, "Before the hall vacated, Holden approached President Bruns asking him to call City Hall in the morning to arrange a meeting. Mr. Bruns declined stating that he was in no mood to talk to him. Holden suggested that maybe by Monday Andy would reconsider. Mr. Bruns refused to entertain Holden's request." At a separate occasion, Mr. Holden stated that he asked Mr. Bruns to please meet with him. The answer he received was "I will not participate in any discussions devoted to the closure of Trailer City." In the same paper the editor of the Trailer City Homeowners Association wrote "Recent word has come that the City has taken over three or possibly four homes in Trailer City and is planning to remove them. [We have removed them.] These homes are being claimed for non-payment of rent. Although this may seem to be a negative action, please remember that this could actually work in our favor. The City will have a weaker claim to the grievance of Code violations due to the close proximity of some homes as these lots open up. Don't let this activity take you by surprise or cause you any undue worry. The City would have taken this action even if we weren't embroiled in the current battle." Mr. Holden's final comment that suggests the tenor of what this staff is trying to work with that exists in no other HOA that the City deals with in the City of Winter Garden. He read a cartoon published in the Trailer City Gazette that states "Hey, don't be the woodpecker that sinks our ship, keep our business private, don't talk with the enemy." He asked if that is any way to deal with our problems and stated, "No it's not."

**Commissioner Graham** stated that Mr. Holden spoke to Mr. Bruns not coming to him, but Mr. Bruns is the President of their Homeowners Board and whoever is initiating the task force, the City in this case, should have contacted someone and he doesn't know of anyone being called. Mr. Holden keeps saying he is not moving anybody out, but the motion was to close Trailer City in eight years. Staff is trying to get around and avoid one section of the State Statutes, which puts the City in a lot deeper hole if we do it that way and use the word "close." We are using the word "close" and it will cost the City a lot more money and work if we went under the other statute.

**Mayor Quesinberry** called for the vote and Assistant City Attorney restated the motion before the Commission is to approve Ordinance 04-78 with the second reading and public hearing on December 9, 2004. **Motion passed by a vote of 3-2; Favor Thompson, Harriman and Quesinberry; Opposed by Graham and Dixon.** Commissioner

Graham pointed out that at the bottom of page two, the Ordinance states "Now therefore be it enacted by the people of the City of Winter Garden, Florida" which usually states by the City Commission, not by the people because if it were up to the people, he believes if the people were going to vote on it, there would be a lot of raised hands against it.

B. **Ordinance 04-79:** AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2004-2005 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 04-79 by title and stated it provides for amending the revenue and expenditures by \$300,000. **Motion by Commissioner Harriman to approve Ordinance 04-79 and schedule the second reading and public hearing on December 9, 2004. Seconded by Commissioner Thompson and carried 4-1; Commissioner Graham opposed.**

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 04-73:** AMENDING CHAPTER 22 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO BUSINESSES BY CREATING ARTICLE VI, ITINERANT AUTOMOTIVE SALES; PROVIDING FOR THE REVIEW, PERMITTING AND REGULATION OF ITINERANT AUTOMOTIVE SALES WITHIN THE CITY LIMITS OF THE CITY OF WINTER GARDEN; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE (Tent Sales)

Assistant City Attorney Rubio read Ordinance 04-73 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-73. Motion was seconded by Commissioner Dixon and carried unanimously 5-0.**

B. **Ordinance 04-76:** GRANTING TO LAKE APOPKA NATURAL GAS DISTRICT, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE OR FRANCHISE TO MANUFACTURE, IMPORT, TRANSPORT, SELL AND DISTRIBUTE GAS FOR HEATING, ILLUMINATING AND OTHER PURPOSES IN THE CITY OF WINTER GARDEN, FLORIDA, AND TO USE THE STREETS, AVENUES, BRIDGES, EASEMENTS, ALLEYS AND OTHER PUBLIC PLACES OR WAYS THEREOF FOR THE PURPOSE THEREOF; PROVIDING FOR AUTHORIZATION FOR THE EXECUTION OF A FRANCHISE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 04-76 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Thompson to approve Ordinance 04-76. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

C. **Ordinance 04-77:** AMENDING SECTION 18-57 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO AMENDMENTS TO THE BUILDING CODE BY CREATING SUBSECTION (e); PROVIDING FOR THE SURFACE TREATMENT OF MASONRY WALLS AND STRUCTURES; PROVIDING FOR SEVERABILITY,

**CODIFICATION, TRANSMITTAL TO THE FLORIDA BUILDING COMMISSION,  
AND AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 04-77 by title only. Mayor Quesinberry opened the public hearing. City Planner Cechman stated that after three hurricanes a lot of the new homes in Central Florida had some problems with masonry walls. The wind-blown water would actually leak in through the walls and cause interior problems. At this time there is no Florida Building Code that addresses this problem and Winter Garden would like to be proactive and take the opportunity to add to the Code a required sealant over the masonry walls prior to the final coat. The Building Official has worked with the builders to work out a common-sense solution that we feel we have, and recommend approval of this Ordinance.

**Eric Marks**, 255 S. Orange Avenue, Orlando, Florida, stated that he is present on behalf of the Home Builder's Association (HBA) of Metro Orlando. He noted that the HBA is not here advocating to not amend the building code to deal with the issues that have been experienced in Central Florida. The purpose of his presence is to make sure that it is done legally and to encourage this board to participate in the statewide process that is underway to amend the Florida Building Code. Water intrusion has been an issue throughout Central Florida. It is not an issue unique to the City of Winter Garden. The Florida Legislature has made it clear that there is a uniform Building Code in the state of Florida. Local governments are not permitted to make ad hoc changes to that Building Code unless there are unique circumstances that justify that change. There is the requirement that the City be presented with evidence such as studies and data that show what is unique about the problem occurring in Winter Garden. Those types of studies are underway today by numerous organizations and groups examining this issue and making every effort to find the actual cause of the water intrusion, not perceived cause, but actual. He anticipates, as a result of those investigations, there will be changes to the Building Code that will also be applicable in Winter Garden. **Commissioner Graham** asked if the City adopts this Ordinance, can it be challenged by a lawsuit. **Assistant City Attorney Rubio** stated the statute provides for a procedure for amendments to the Florida Building Code and if the Ordinance is challenged, it will be addressed at that time.

**Jim Gulde**, 304 Cachuba Court, Altamonte Springs, Florida, stated he was speaking on behalf of the National Concrete Masonry Association, the Brick Institute of America, and the Florida Concrete Products Association. There is some wording that would cause some difficult problems such as exterior masonry walls that overall include brick walls. The Brick Institute of America recommends never putting a sealant or coating on walls. There is a Florida standard for architectural block, which is predominately used on commercial buildings as opposed to residential, and is treated with a integral water repellant and it would be redundant to put on another water-resistant coating. This Ordinance is not specifically directed to residential, so it is all-inclusive. There are many different compounds and the current wording leaves it up to the Building Official as to which one is used. According to ASTM 926, which governs stucco, it states you shall not have something on the masonry that would prohibit bonding. It could prohibit bond and outlaw stucco finishes. In the wording, the coating would be developed six inches



below grade and often the coating you want to put below the grade is entirely a different coating than what you would use above grade. This Ordinance does not differentiate those areas. Waterproofing is not a bad term as long as it is defined. The current wording in this Ordinance needs more work as he envisions it causing more difficulty than it solves, and he asked the Commission to not pass the Ordinance at this time. Mr. Gulde volunteered to work with the City on this issue.

**Mayor Quesinberry** stated that he is a state-certified building contractor and a lot has been left out with regard to a stem wall on a house that the builders today want to cut out the footing and the stem wall that would normally provide a place for the water to run. It now goes through the wall and sits directly on the floor. Additionally, when repainting stucco homes, there is a compound used to make it waterproof and makes the stucco stick to the building.

**Jake Wright**, City Building Official, stated he spoke today with Mr. Gulde and they discussed the fact that builders are applying a cementitious coating and not a full stucco that would have prevented a lot of the problems that have occurred. Every builder he has spoken with has thanked him for asking them to do something that they should have been doing. Two contractors in Winter Garden have been doing it on their own for the past two years. It will add somewhere from \$100 to \$500 to the cost of the house. The City understands this Ordinance is not the cure-all, it is a "bandage," and as we get more information we will amend our Ordinance and use the State requirements. **Mayor Quesinberry** stated that the full stucco should have always been applied without diluting it with water.

**City Manager Holden** stated that while the bureaucracy takes its time dealing with this issue, for however many months it takes, there are approximately 80 to 100 homes being built a month in Winter Garden and if it takes six months, that would be 600 homes for families that expect to not have any water intrusion problems. The building industry better deal with this emergency.

**Don Miller**, 1073 Woodson Hammock Circle, Winter Garden, Florida, invited Mr. Marks to the Fullers Cross Subdivision of 100 homes to see for himself that more than half the homes have sustained water damage through the blocks and concrete. He applauded the City for taking the lead in coming up with a plan to prevent this from happening in the future. He supports the proposed Ordinance. **Eric Marks** responded that the HBA position is not that people have not suffered water intrusion problems. The sole purpose of his attendance is to say that presentation of evidence that there is a unique circumstance occurring in Winter Garden hasn't occurred. According to Florida State Statute, whatever is adopted today is subject to challenge and it will be a successful challenge. He is not saying it is going to be challenged. **Mayor Quesinberry** stated that this Ordinance gives the City one more inspection on the house to make sure it is primed in or sealed in correctly.

Hearing no other comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-77. Motion was seconded by Commissioner Thompson and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

A. **Request for donation by the West Orange High School Future Farmers of America**

Amber Algood, 733 Hurley Drive, Winter Garden, Florida, stated she is the instructor for the Equine Science Class and an advisor for the West Orange Senior FFA Chapter and she is here on their behalf to ask for a donation to be used towards the purchase of a 13-year old black gelding that will cost \$3,000. This horse will be perfect as an educational tool for the students. A suitable shelter on the campus has already been built. She thanked the Commission for considering their request for donation. **Motion by Commissioner Harriman to approve a donation of \$750 to the West Orange High School Future Farmers of America. Seconded by Commissioner Graham and carried unanimously 5-0.** Ms. Algood again thanked the Commission for their generous donation and she will be providing them with a photograph of the horse.

B. **Recommendation to approve Final Plat for Regency Oaks Phase II at Stonecrest Village 7**

City Planner Cechman stated that staff has reviewed the plat and recommends approval with the conditions provided in the agenda package. The Planning and Zoning Board has also reviewed and recommends approval with the conditions in the agenda package. The applicant is present. **Motion by Commissioner Harriman to approve the Final Plat for Regency Oaks Phase II at Stonecrest Village 7 with staff recommendations (see attached). Seconded by Commissioner Dixon.** Commissioner Graham asked about items 16 and 17 under the legal description that refers to drainage easements that benefits this property but does not lie within the property. Mr. Eric Wills with M/I Homes responded that it is his recollection that the easement was a requirement by the City Engineer and did not exist prior to their development. The drainage easement is not located out of the Stonecrest development, it is just not part of the Phase 7 plat. **Motion carried unanimously 5-0.**

C. **Recommendation to approve Final Plat for Black Lake Park**

City Planner Cechman stated this project is being developed by KB Homes on CR 535. Staff has reviewed the plat and recommends approval with the conditions provided in the agenda package. The Planning and Zoning Board has also reviewed and recommends approval with the conditions stated in the agenda package. The applicant is present. **Motion by Commissioner Dixon to approve the Final Plat for Black Lake Park with staff recommendations (see attached). Seconded by Commissioner Harriman.** Commissioner Graham asked what are spite strips. Assistant City Attorney Rubio responded that they are a piece of land that a developer retains and is not conveyed or a part of the plat. Typically, when somebody else develops and attempts to attach to the parcel, the developer can ask for compensation to use that property. The City Code requires a spite strip affidavit indicating there are no spite strips from the developer and developer's surveyor. **Motion carried unanimously 5-0.**

**D. Recommendation to approve Preliminary Plat for Lake Roberts Landing**

City Planner Cechman stated this plat is for a subdivision located on Stoneybrook West Parkway. Both staff and the Planning and Zoning Board have reviewed the plat and recommend approval with staff recommendations provided in the agenda package. Commissioner Graham stated that lot 32 has no front access and lot 31 only has 38 feet of frontage at the end of the cul-de-sac. City Planner Cechman stated there is access because no developer would build without legal access and the map will be amended to reflect the frontage and clear access prior to the final plat. **Motion by Commissioner Thompson to approve the Preliminary Plat for Lake Roberts Landing. Seconded by Commissioner Harriman and carried unanimously 5-0.**

**E. Recommendation to approve Change Order #3 to the Stoneybrook West Parkway Water Main Project with T. D. Thomson**

Utilities Director Tiblier stated he was present to answer any questions. **Motion by Commissioner Graham to approve Change Order #3 to the Stoneybrook West Parkway Water Main Project with T. D. Thomson with a five percent contingency. Seconded by Commissioner Harriman and carried unanimously 5-0.**

**F. Recommendation to approve amending the prospectus for Trailer City Mobile Home Park tenants**

Finance Director Bollhoefer stated that the primary reason to change the prospectus is to add language that the City Commission has enacted the five-year density reduction plan and after five years the City Commission will review whether or not they want to continue operating the park, phasing out the park, or continue with the density reduction plan as recommended by the attorneys. The other significant item adds a rule that allows the City to screen new tenants that should have been included all along. The changes provided today as opposed to the version provided last Friday include: the title page to include language that complies with F.S. 723; change the date of the original prospectus, when it was amended; pages 13 and 17 terminology was changed from “adult” to “older persons” as recommended by the attorney; page 14 and 18 added the term “occupant” for eviction purposes. Commissioner Harriman asked when this would be in effect. Mr. Bollhoefer stated that if the prospectus is approved tonight, it would be sent to the DPR who may approve it or send it back with needed changes, which have to be resubmitted to the Commission for approval. Once we have final approval, it would be sent to all the park residents as required by F.S. 723. **Motion by Commissioner Thompson to approve the amended Trailer City Mobile Home Park Prospectus. Seconded by Commissioner Harriman.** Commissioner Graham asked who recommended the change from “adult” to “older persons” and what determines the age. Mr. Bollhoefer stated HUD has made the decision on the language and our attorney recommended the change. The 55 and older language remains and will now be referred to as “older person.” It is not our choice, it is HUD that made that decision. **Motion carried unanimously 5-0.** Commissioner Graham stated he had one more question as to why the one we have couldn’t be amended. Mr. Bollhoefer replied that this is to amend the one we have.

**G. Recommendation to adopt a new prospectus for new tenants in Trailer City Mobile Home Park**

Finance Director Bollhoefer stated that this prospectus is processed in the same manner as the prior agenda item. Commissioner Harriman asked if the rate increase affects anyone in the park now. Mr. Bollhoefer responded absolutely not. The prospectus establishes that the rent will be based upon market and not on cost. It establishes the market at \$200 a month for new tenants only and includes the same changes described in the prior action. **Motion by Commissioner Harriman to approve a new prospectus for new tenants in Trailer City Mobile Home Park. Seconded by Commissioner Thompson and carried 4-1; Commissioner Graham opposed.** Commissioner Graham asked if a vote was taken on the last item. Mayor Quesinberry replied yes. Commissioner Graham stated that he wanted his vote of nay entered for both items. Mayor Quesinberry stated he already asked for the vote on the last item. Commissioner Graham stated he was looking for something and did not hear the call for a vote.

**6. MATTERS OF CONCERN FROM CITIZENS**

**Andy Bruns**, 6 Laurel Drive, Winter Garden, Florida, (Trailer City) stated that the Commission is not abiding by State Fire Code laws for distance, etc. He responded to Mr. Holden's earlier remarks about what was said at the June 24, 2004 meeting after the confusion related to the motion at Tanner Hall that had to be re-read. As Commissioner Graham has stated, closure was in the motion. Yes, this did upset him very much because he could not believe his District Commissioner went against what his district residents wanted him to do. Commissioner Thompson attended several meetings and still went against them so he had a right to be upset. After the meeting Mr. Holden did stop by to speak with him and said "Andy, would you call me tomorrow" and he responded, "I doubt that very much, I am not in the mood at this time to be talking about closure of Trailer City." He did not say he would never meet with Mr. Holden at any time. After the meeting, Mr. Holden went out and made a few remarks to other people, which was all hearsay to him. From that time on, Mr. Holden never personally called him. Mr. Bollhoefer or any staff member never personally called him or anyone else in Trailer City to set up a task force. Trailer City residents did not have any input whatsoever. Yes, Monday night Mr. Bollhoefer did meet with them to address other concerns and he thanked him for that. He noted that when he said nobody from city staff has called him, he has had several calls from the City Clerk and thanked her for that. *Mr. Holden handed Mr. Bruns his business card and told him to call him any time and they will meet.*

**Richard Napotnik**, 1633 Fullers Cross Road, Winter Garden, Florida, read a statement: "Please find attached petitions signed by the registered voters of Winter Garden that request the recall of City Commissioner Mr. Bill Thompson, District 1. We have adhered to Florida Statute 100.361 and request that the signatures be submitted to the Orange County Supervisor of Elections forthwith for verification." Mr. Napotnik attempted to give the City Clerk the petitions along with a prepared receipt. City Clerk Golden responded that she was unable to sign a receipt without first verifying that the receipt was in fact for what was being presented. Assistant City Attorney Rubio responded to Mr. Napotnik that he could submit the package

to the City Clerk during regular business hours tomorrow. Mr. Napotnik responded with thank you.

**Edward Bowman**, 14 Laurel Drive, Winter Garden, Florida, (Trailer City) stated that he has resided here since 1998 and has followed the Trailer City issue since it started. The first thing he heard was it was going to be made into a park and it was known that was a lie. The Mayor was quoted two days later saying the closing was inevitable without even having formed a task force. The article also stated there are some trailers not fit to live in but have you ever actually been in one. City Manager Holden responded yes, Ms. Haug's. Mr. Bowman stated Ms. Haug is deceased and no longer lives in her mobile. Some Commissioners thought they were voting on a task force and some thought it was to close Trailer City. Ever since he has been coming to the Commission meetings, two Commissioners and the Mayor always vote the same way and there is something wrong with that because surely they are not all of the same mind on everything that goes on in this city. What the people of the City want is not being taken into consideration.

**Annabelle Closson**, 749 E. Palm Valley Drive, Oviedo, Florida, stated she on the State Board of the Federation of Manufactured Homeowners of Florida and assists residents in mobile homes within the ten counties she serves. These proceedings are unethical and improper. The codes and violations the City speaks to are not there. The statutes contain a grandfather clause, which states very clearly that these residents are not in violation of any codes of any kind. Why is staff so set on closing the park? The refusal to answer suggests to them that there is something to hide. She corrected Mr. Bollhoefer about last Monday night because there was no one there that could make a decision and they could not discuss the density reduction plan. There is a sign that is still posted in front of the office that residents have asked to be removed because it is in violation of 723. They have directed staff to talk with their negotiating team. When Commissioner Dixon spoke earlier about liability to the City, any mobile home park owner has a certain responsibility to the people who live within the mobile community. The liability however, depends on what happens. They have repeatedly given the City specific violations along with the Statute numbers and they will no longer do that. The City is not following the procedures in the Statutes. This Ordinance goes against several sections of the Statutes. **Commissioner Dixon** replied that she is well aware of who can be sued and who can't. She knows that the board can be sued and knows about liability. She doesn't want anybody suing her for something she didn't cause.

**Don Miller**, 1073 Woodson Hammock Circle, Winter Garden, Florida, stated he attends most all Commission meetings and the first vote taken was to give the City Manager authority to check on the possibility of closing Trailer City. The Commission did not give him authority to go ahead and close Trailer City and to post a sign within the next couple of weeks that it was closing. Where is the accountability? He has been before the Commission twice before on this same subject. At the Tanner Hall meeting, a vote was taken to close Trailer City and Commissioner Harriman asked the City Clerk to read the motion and how it was worded is not how it happened. Commissioner Harriman stated he was not voting to close Trailer City but his vote was taken as an aye instead of a nay. He personally believes the motion was illegal and not proper. He is thoroughly disgusted. If the issue were given to the residents to vote on, they would not approve closing Trailer City.

**Charlene Wright**, 1763 Christopher Street, Winter Garden, Florida, stated she has spoken with staff about the pool tables which she has removed from her place of business on Center Street. She will not sign a letter that states she cannot petition the City for anything and she would like to have her occupational license issued. Assistant City Attorney Rubio stated that he has conveyed to Ms. Wright and her attorney that she needs a Special Exception Permit and the procedure she must follow has been provided to her legal representation, Mr. Armstead. **Commissioner Dixon** stated Ms. Wright needs to address her concerns through her attorney.

7. **MATTERS FROM ASSISTANT CITY ATTORNEY** - Lionel Rubio had nothing to report.

8. **MATTERS FROM CITY MANAGER**

A. **Annual request by Jack Mask to operate an open-air fruit stand on Crest Avenue until the end of the year**

It was the consensus of the City Commission to permit, at no cost, an open-air fruit stand on Crest Avenue by Jack Mask until the end of the year. **Mayor Quesinberry** emphasized that he must be reminded about the time limit for posting his banner and signs.

- Tina Aldrich of the Downtown Merchants Guild originally thought they did not need any financial assistance for their art festival on November 20-21, 2004 but has since found out that they will need additional police coverage and some overtime by the Public Works staff, etc. This was not included in the budget and therefore he requests approval to expend from the donation up to \$1,500 towards the event. **Motion by Commissioner Dixon to donate up to \$1,500 to the Downtown Merchants Association for their art festival November 20-21, 2004. Seconded by Commissioner Harriman and carried unanimously 5-0.**
- Advised the Commission that work has begun on Trunkline "C" that was approved as part of the budget and they will see signs re-routing traffic in the area of Tanner Hall.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Mayor Quesinberry:**

A. **Participation in the 2005 Relay For Life**

Mayor Quesinberry reported that participation was down last year and therefore he recommends supporting two teams in 2005. The reports on donations stated West Orange is the largest contributor. **Motion by Commissioner Harriman to sponsor two Relay for Life teams in 2005 for \$200. Seconded by Commissioner Graham and carried unanimously 5-0.**

- Announced that the meeting of November 24, 2004 has been canceled.
- Announced the Christmas Parade will be on December 4, 2004 at 10:00 a.m.

**Commissioner Dixon:**

Stated that the City owns a drainage ditch behind the Methodist Church on 11<sup>th</sup> Street that accumulates water that has no place to drain and is backing up onto the adjacent parcels and needs to be dealt with by the City.

Stated that she knows her job as a City Commissioner, which is what is best for her community. She has spoken with Mr. Robertson about the property on the corner of 10<sup>th</sup> and Center Streets and she doesn't want it to go on and on with regard to getting a recreational park in the east side area. The residents have nothing to do and are in need of recreational activities. The eight weeks a year the pool is open is not enough. She commended the Police for their efforts to deal with the bad influences.

Stated she wants to know about the proposal for the CRA first hand, not second hand or last. **City Manager Holden** responded that Ms. Cora Fulmer and Ms. Charlie Mae Wilder are both on the CRA Advisory Board and that Board has approved recommending a plan to the CRA Board, which includes Commissioner Dixon. **Commissioner Dixon** stated that she has to see the plan. **City Manager Holden** stated that once the consultant incorporates the recently recommended changes, the proposed plan will be distributed to the CRA. The proposed plan was developed from input by the community in East Winter Garden at workshops. **Commissioner Dixon** replied that there has actually been a single workshop and a second is scheduled for November 17, 2004 and until the public has their last hearing, it will then come before the CRA, which means it is not yet approved. **City Manager Holden** stated she is correct.

Announced that those 28 who have signed up to attend the Annual Community Action Board dinner Friday night may take a free bus from the old Rainbow Market parking lot at 5:30 p.m.

The meeting was adjourned at 8:43 p.m. to a joint City Commission and Planning and Zoning Board workshop on November 18, 2004 at 6:30 p.m. regarding a proposed shopping village at CR 535 and SR 429.